

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Boursnell et al.

Art Unit: Not yet assigned

Application No: Not yet assigned

**CERTIFICATE OF EXPRESS MAILING**  
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Filed: Herewith

  
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Attorney for Applicant

For: HERPESVIRUS VECTORS AND THEIR USES

Examiner: Not yet assigned

Date: January 9, 2002

BOX PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**PRELIMINARY AMENDMENT**

Prior to examination of the above-referenced application, please amend the application as follows:

**In the specification:**

On page 1, after the title, please insert the following new paragraph:

**--Priority Claim**

This is a divisional of U.S. Patent Application No. 09/734,054 filed October 18, 1996, which in turn claims the benefit of U.S. Provisional Application No. 60/005,649 filed October 19, 1995.--

**In the claims:**

Please amend claim 19 as follows:

19. A process for treating a subject which is a human subject or a non-human animal subject in order to achieve expression of a foreign gene in vivo, comprising administering to said subject a pharmaceutical composition according to claim 17.

**REMARKS**

This Preliminary Amendment is submitted to enter Applicants' claims of priority from corresponding U.S. Patent Application No. 09/734,054 filed October 18, 1996, which in turn claims priority from U.S. Provisional Application No. 60/005,649 filed October 19, 1995. No new matter is added. Entry of this amendment is respectfully requested.

Claim 19 is amended herein to reduce filing fees.

**CONCLUSION**

If any minor matters remain to be discussed prior to examination, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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**Marked-up Version of Amended Specification and Claims  
Pursuant to 37 C.F.R. §§ 1.121(b)-(c)**

### In the specification:

On page 1, after the title, please insert the following new paragraph:

### **Priority Claim**

This is a divisional of U.S. Patent Application No. 09/734,054 filed October 18, 1996, which in turn claims the benefit of U.S. Provisional Application No. 60/005,649 filed October 19, 1995.

### **In the claims:**

Please amend claim 19 as follows:

19. A process for treating a subject which is a human subject or a non-human animal subject in order to achieve expression of a foreign gene in vivo, comprising administering to said subject a pharmaceutical composition according to claim 17 [or to claim 18].